

**HILDA CANTÚ MONTÓY**  
City Attorney

**Outline of Regulated Contact Ordinance  
In Procurement Process**

1. General rule: proposer and elected officials not to directly communicate over a procurement from initiation of procurement until completion.
  - A. From bid notice, RFP, RFQ or RFEI until decision to award or not award; but continues through "re-bid" process.
2. Applies to competitive procurement where Council may award contract.
  - A. Includes RFP, RFQ, RFEI and Competitive Bid.
  - B. Bid specifications, RFPs, RFQs, & RFEIs shall refer to the ordinance.
3. Proposer may communicate with elected officials over a procurement only:
  - A. On the record at any Council meeting.
  - B. Through the procurement staff and process.
  - C. With an identical writing simultaneously delivered to all elected officials.
4. *Proposer and elected official having any regulated contact shall disclose that contact in writing within 24 hours or by next business day.*
5. Disclosures are filed with Purchasing Agent and copied to City Clerk, who distributes to Councilmembers and Mayor.
6. Purchasing Agent decides whether to recommend sanctions.
7. No sanction if:
  - A. Disclosure inadvertent & does not affect integrity or outcome of process.
  - B. Elected official initiated communication and proposer promptly stopped it.
  - C. Communication under mistake & immaterial (i.e., unrelated to procurement).
8. Sanction can be appealed.
9. Sanctions include: disqualification, finding of non responsibility, and/or setting aside of award.